

REMARKS

In response to the Office Action dated October 31, 2007, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Prior to entry of this response, Claims 1-12 and 15-45 were pending in the application, of which Claims 1, 19, 29, 38, and 44 were independent. In the Office Action, Claims 1-12 and 15-45 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-12 and 15-45 remain pending. Applicants hereby address the Examiner's rejections in turn.

I. Rejection of Claims Under 35 U.S.C. § 103(a)

In the Office Action dated October 31, 2007, the Examiner rejected Claims 1-12 and 15-45 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0035493 ("*Mozayeny*") in view of U.S. Publication No. 2001/0047264 ("*Roundtree*"). Claims 1, 19, 29, 38, and 44 have been amended, and Applicants respectfully submit that the claims, as amended, are patentable over the cited art and that the amendments add no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "including the preferences in the request data, when information contained in the preferences is omitted in the request data, to determine whether the request is compatible with the current schedule, wherein including the preferences comprises, accessing the profile for the customer from the profile database, searching for the preferences containing the information omitted in the request data, and updating the request data to include the preferences, wherein the preferences contain the

information omitted in the request data.” Amended Claims 19, 29, 38, and 44 each includes a similar recitation. Support for these amendments can be found in the specification at least on page 13, lines 17-24.

Consistent with embodiments described in the specification, an application server may formulate a query to a scheduling database to determine if a request may be compatible with a current schedule. (See, e.g., specification page 13, lines 17-18.) The query may be formulated based upon request data keywords that may have been received from a voice services node. (See, e.g., specification page 13, lines 19-20.) When the request omits or has yet to provide some information that may be included in the query, the application server may access a profile database to search for a requesting party’s preferences that may be used to complete the query formulation. (See, e.g., specification page 13, lines 20-23.) The application server may obtain the requesting party’s preferences from the profile database. (See, e.g., specification page 13, lines 23-24.)

In contrast and as stated by the Examiner, *Mozayeny* at least does not disclose accessing a customer’s preferences from a profile database. (See Office Action page 4, lines 1-2.) Because *Mozayeny* does not access a customer’s preferences at all, *Mozayeny* cannot include customer preferences, containing omitted information, in request data to determine whether a request is compatible with a current schedule.

Furthermore, Applicants respectfully submit that *Roundtree* does not overcome *Mozayeny*’s deficiencies. *Roundtree* merely discloses a system server that determines whether to prompt a requester for service information. (See paragraph [0048], lines 1-2.) For example, if a requestor in *Roundtree* has requested a restaurant reservation without specifying a particular restaurant, the system server can query the requester for restaurant

type and location desired. (See paragraph [0048], lines 8-11.) Accordingly, if *Roundtree's* system server requires more information from the requestor, it prompts the requester to obtain service information, and receives service information from the requestor. (See paragraph [0049], lines 8-11.) *Roundtree* fails to disclose user preferences containing information omitted in request data. Rather, *Roundtree* merely discloses prompting the requester for the omitted information if the system server requires more information from the requestor. Consequently, *Roundtree* teaches away from using user preferences, containing omitted information, in request data to determine whether a request is compatible with a current schedule because *Roundtree* prompts the requestor for the omitted information.

Moreover, the Examiner contends that *Roundtree's* system server can not only inquire omitted information from a user, but can also retrieve the omitted information from a user's preference database. (See Office Action page 2, line 19-page 3, line 2.) Applicants respectfully disagree and submit that this position lacks support in *Roundtree's* disclosure. To support this position, the Examiner relies on lines 11-13 of paragraph [0048], stating "querying can also be based upon user preferences for the requestor as stored in personal data." Applicants submit that in *Roundtree*, querying is directed towards a requestor. (See paragraph [0048], lines 5-7, "the system server can be programmed based upon particular criteria to query the requestor form more information.") Furthermore, nowhere in *Roundtree* does it disclose that user preferences may contain omitted information. Accordingly, *Roundtree* does not disclose that omitted information may be retrieved or contained within a user's preferences. Therefore, the position that *Roundtree's* system server can obtain omitted information from a user's preference database is not supported.

Rather, *Roundtree* discloses that a user can be queried based on preferences stored in personal data. Consequently, *Roundtree* still teaches away from using user preferences, containing omitted information, in request data to determine whether a request is compatible with a current schedule because *Roundtree* prompts the requestor for the omitted information rather than obtaining the omitted information from user preferences.

Combining *Mozayeny* with *Roundtree* would not have led to the claimed subject matter because *Mozayeny* and *Roundtree*, either individually or in combination, at least do not disclose “including the preferences in the request data, when information contained in the preferences is omitted in the request data, to determine whether the request is compatible with the current schedule, wherein including the preferences comprises, accessing the profile for the customer from the profile database, searching for the preferences containing the information omitted in the request data, and updating the request data to include the preferences, wherein the preferences contain the information omitted in the request data,” as recited by independent Claim 1. Amended Claims 19, 29, 38, and 44 each includes a similar recitation. Accordingly, independent Claims 1, 19, 29, 38, and 44 each patentably distinguishes the present invention over the cited art, and Applicants respectfully requests withdrawal of this rejection of Claims 1, 19, 29, 38, and 44.

Dependent Claims 2-12, 15-18, 20-28, 30-37, 39-43, and 45 are also allowable at least for the reasons described above regarding independent Claims 1, 19, 29, 38, and 44 and by virtue of their respective dependencies upon independent Claims 1, 19, 29, 38, and 44. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-12, 15-18, 20-28, 30-37, 39-43, and 45.

II. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and further examination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Final Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.

P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5066

/D. Kent Stier/

Date: February 25, 2008

D. Kent Stier
Reg. No. 50,640

DKS:mdc

